

REMARKS

Claims 1-31, and 37-46 are pending in the application. Claims 1, 11, 13, 19, 25, 38, and 43 have been amended herein. New claim 46 has been added herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I. REJECTIONS OF CLAIMS 1-31 AND 37-45 UNDER 35 U.S.C. § 103

Claims 1-31 and 37-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable based on various combinations of references. All rejections have in common U.S. Patent No. 6,449,250 ("Otani"), U.S. Patent No. 6,148,410 ("Baskey"), and U.S. Patent No. 6,577,642 ("Fijolek"). Applicants believe that all pending claims are allowable for at least the following reasons. Withdrawal of the rejections is respectfully requested.

One of the features recited in independent claims 1, 11, 13, 19, 25, 38, and 43 is directed to "pre-registration" of a cable modem with a protection CMTS. Independent claims 1, 11, 13, 19, 25, 38, and 43 have been amended to further clarify one of the aspects of the invention. Independent claim 1, for example, further requires that "the cable modem is informed of an upstream channel of the protection CMTS." Other independent claims contain recitations similar to that of independent claim 1. Support for the amendments is found throughout the present specification. See, for example, page 12, line 29 - page 13, line 6; page 14, lines 13-21; page 16, lines 14-22; and page 29, lines 25-27 of the present specification. No new matter has been introduced by these amendments.

As described at, for example, page 12, line 29 - page 13, line 6 of the present specification, the invention defined in independent claims 1, 11, 13, 19, 25, 38, and 43 is directed to registration of a cable modem in which a cable modem is informed of an upstream channel of a protection CMTS. For example, a specific exemplary embodiment of the invention involves a cable modem registration process where a cable modem is informed of an upstream channel of the protection CMTS by a working CMTS.

The Otani patent generally relates to switching a plurality of central devices. As the Examiner acknowledges in the Office Action, the Otani patent fails to teach or suggest the claimed pre-registration. The Baskey patent is concerned with sending updates from the active router 100 to the standby router 105. See, column 4, lines 54-67. As described at column 4, line 61-63, the "active and standby routers 100, 105 are synchronized ... between the two routers."

Such synchronization between the two routers does not involve a cable modem which is informed of an upstream channel of the protection CMTS. It is respectfully submitted that Baskey's synchronization between the two routers in no way suggests, implicitly or explicitly,

that a cable modem is informed of an upstream channel of the protection CMTS. Informing a cable modem of an upstream channel of the protection CMTS, as recited in the claims, would allow, for example, registration with the protection CMTS. Such a registration with the protection CMTS would not be possible by synchronization of the Baskey patent. Therefore, the Baskey patent cannot be said to cure the deficiencies of the Otani patent.

The Fijolek patent also fails to cure the deficiencies of the Otani patent. Specifically, the Examiner cited column 21, lines 57-60 of the Fijolek patent in the Office Action. However, the cited portion merely describes reception of a configuration file, and registration with a CMTS. Such reception and registration have nothing to do with informing a cable modem of an upstream channel of the protection CMTS, as recited in the claims. Therefore, the Fijolek patent also fails to make up the deficiencies of the Otani patent.

In summary, Applicants find nothing in the prior art that suggests the claimed pre-registration feature as recited in independent claims 1, 11, 13, 19, 25, 38, and 43. Therefore it is respectfully submitted that the invention defined in independent claims 1, 11, 13, 19, 25, 38, and 43, and their dependent claims is patentable over the cited art. Withdrawal of the rejections is respectfully requested.

II. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully request a Notice of Allowance at an early date. If the Examiner has any continuing concerns about patentability of the claimed invention, he is encouraged to telephone the undersigned at 510-843-6200, ext 245.

Respectfully submitted,
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Limited Recognition under 37 CFR § 10.9(b)

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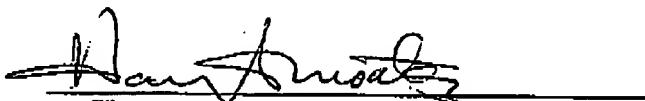
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